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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/574,379

04/03/2006

Jurgen Osterlanger

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EXAMINER

BROWN, DREW J

ART UNIT

PAPER NUMBER

3616

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/574,379	Applicant(s) OSTERLANGER ET AL.	
	Examiner DREW J. BROWN	Art Unit 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☒ Claim(s) 8-32 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/3/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 1 and 2 are objected to because of the following informalities:
In line 2 of claim 1, “wheel is mounted” should be changed to --wheel mounted--.
In line 5 of claim 2, “with X” should be changed to --with an X-coordinate-- and “and Y” should be changed to --and a Y-coordinate--.
Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 4, 5, and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Serra et al. (U.S. Pub. No. 2003/0071430 A1).

With respect to claim 1, Serra et al. disclose a wheel (2) mounted on a wheel carrier (3) so that it can pivot via a pivot bearing (4, 6-9), wherein a pivot plane described by the pivot bearing is arranged at least approximately transverse to a center plane of the wheel (Figure 1), wherein a position of a virtual rotational point (CIR r/s) of the pivot bearing is above a wheel contact plane and on a side of the center plane of the wheel facing the vehicle (Figure 1). The pivot bearing has a fixed pivot bearing part (4), which is fixed relative to the wheel carrier, and a pivoting pivot bearing part (6 or 7), which can pivot in the pivot plane relative to the fixed pivot bearing part, wherein the wheel is mounted on the pivoting pivot bearing part (via carrier 3) so that it can rotate.

With respect to claim 7, the wheel is mounted on a wheel carrier (32) so that it can pivot via a pivot bearing (6, 7, 41, 81, 91), wherein a pivot plane described by the pivot bearing is

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arranged at least approximately transverse to a center plane E of the wheel, the pivot bearing has a fixed pivot bearing part (41) which is fixed relative to the wheel carrier, and a pivoting pivot bearing part (6), which can pivot in the pivot plane relative to the fixed pivot bearing part, and the wheel is mounted on the pivoting pivot bearing part (via carrier 32) so that it can rotate, an electromechanical actuator (50) is supported on one side relative to the wheel carrier and on an other side engages the pivoting pivot bearing part for pivoting the pivot bearing part (Figure 5).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 3, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Serra et al.

Serra et al. disclose the claimed invention as discussed above and that an intersection point (where contact plane AC intersects plane PR) is formed by a Y-axis intersecting a rotational axis of the wheel and lying in the center plane of the wheel, with an X-axis lying in the wheel contact plane, wherein the rotational point (CIR r/s) of the pivot bearing relative to the intersection point is arranged in a field, but does not disclose that the field is defined with an X-coordinate approximately equal to 150mm and a Y-coordinate approximately equal to 150mm. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the field be at (150mm, 150mm), since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art, and it also would have been obvious to try, as it would have yielded predictable results. Serra et al. also disclose that the rotational point (CIR r/s) of the pivot bearing lies on a radius vector, which intersects the intersection point and which covers an angular range of approximately 30 degrees as a lower value up to approximately 60 degrees as an upper value relative to the X-axis (Figure 1).

Figure 1 of Serra et al. also does not disclose that an electromechanical actuator is supported on one side relative to the wheel carrier and on another side engages the pivoting pivot bearing part. Figure 5, however, does disclose an electromechanical actuator that is supported on one side relative to the wheel carrier and on another side engages the pivoting pivot bearing part. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Figure 1 of Serra et al. in view of the teachings of Figure 5 to have an electromechanical actuator in order to impose or limit the variations in camber during active or passive control (paragraph 47).

Allowable Subject Matter

6. Claims 8-32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gabel, Luger, Lee, Weiss, Zetterstrom, Aubarede, Serra et al., Serra, Lemineur et al., Blondelet et al., and Andre et al. disclose similar devices for modifying the wheel camber of a vehicle.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DREW J. BROWN whose telephone number is (571)272-1362. The examiner can normally be reached on Monday-Thursday from 8 a.m. to 4 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley D. Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Drew J. Brown
Examiner
Art Unit 3616

db
4/28/08

/Kevin Hurley/
Acting SPE of Art Unit 3616